

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

UNITED STATES OF AMERICA

VS.

CASE NO. 4:06CR00091 JMM

GEORGE BRYAN PITTS

ORDER

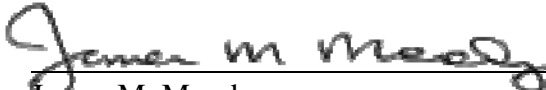
Pending before the Court is defendant's motion in which he contends that his release date is being incorrectly calculated based upon various decisions by the Bureau of Prisons. For the reasons stated below, the motion is dismissed without prejudice.

Defendant's arguments concerning his place of confinement, his release date calculation, his receipt of five (5) days of credit for incarceration, and his ability to attend a drug rehabilitation program challenge the execution of his federal sentence, not its validity or legality, and he should bring these challenges in a petition under 28 U.S.C. § 2241 after exhausting his remedies with the Bureau of Prisons. *See* 18 U.S.C. § 3621(b) stating that Bureau of Prisons has plenary power to designate place of confinement); *United States v. Chappel*, 208 F.3d 1069, 1069-70 (8th Cir. 2000) (*per curiam*); *see also United States v. Iversen*, 90 F.3d 1340, 1344 (8th Cir. 1996) (district court does not have authority to credit defendant for pretrial detention if claim is not first presented to BOP); *Kendrick v. Carlson*, 995 F.2d 1440, 1447 (8th Cir.1993) (federal prisoners seeking jail-time credit must exhaust administrative remedies before seeking habeas corpus relief); *United States v. Moore*, 978 F.2d 1029, 1031 (8th Cir. 1992) (United States Attorney General has delegated authority to BOP to determine pretrial detention credit);.

Motions filed pursuant to 28 U.S.C. § 2241 are to be filed in the district of incarceration. *See United States v. Gleason*, 753 F.2d 83, 85 (8th Cir. 1985) (*per curiam*) (challenge to execution of sentence must be brought under § 2241 in district of confinement). The district of confinement in defendant's case is the Eastern District of Texas. Consequently this Court does not have jurisdiction to address his motion.

Defendant's motion is dismissed without prejudice to his filing a § 2241 motion in the correct federal district.

IT IS SO ORDERED THIS 27 day of February, 2007.


James M. Moody
United States District Court